

SENATE JOINT RESOLUTION 2

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By: **Senators Pinsky, Benson, Conway, Feldman, Ferguson, Gladden, Guzzone, King, Lee, Manno, McFadden, Montgomery, Nathan–Pulliam, Ramirez, and Raskin**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **United States Constitution – Amendments Convention – Democracy Amendment**

3 FOR the purpose of applying to the U.S. Congress for an amendments convention called
4 under Article V of the U.S. Constitution, on the application of the legislatures of
5 two–thirds of the several states, to propose an amendment to the U.S. Constitution
6 that affirms every citizen’s freedom to vote and restores free and fair elections in
7 America; and generally relating to an application to Congress for a convention to
8 propose an amendment to the U.S. Constitution.

9 WHEREAS, The American people have built our representative democracy on the
10 principle of free and fair elections where every citizen has the freedom to vote and the
11 guarantee that every vote cast is counted; and

12 WHEREAS, Elections should be free of the corrupting influence of massive campaign
13 spending by outside interests and fair enough that any citizen is able to run for public office;
14 and

15 WHEREAS, It was the stated intention of the framers of the U.S. Constitution that
16 the Congress of the United States of America should be “dependent on the people alone”
17 (James Madison, Federalist #52, in the Federalist Papers); and

18 WHEREAS, The U.S. Supreme Court has removed the wall of separation between
19 private wealth and democratic elections by removing prohibitions against unlimited
20 electoral expenditures in Citizens United v. Federal Election Commission, McCutcheon v.
21 Federal Election Commission, and related cases; and

22 WHEREAS, The U.S. Congress has failed to propose a constitutional amendment to
23 protect the freedom to vote and to secure free and fair elections in order to restore
24 confidence in the integrity of our government; and



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1 WHEREAS, Decisions of the U.S. Supreme Court and corresponding inaction by the
2 U.S. Congress have turned our public elections into private auctions, necessitating that
3 Americans take action to defend the republic and strengthen our democracy; and

4 WHEREAS, Article V of the U.S. Constitution states that “on the Application of the
5 Legislatures of two–thirds of the several States,” Congress “shall call a Convention for
6 proposing Amendments”; and

7 WHEREAS, The Bill of Rights and four of the last ten amendments to the U.S.
8 Constitution were added to the U.S. Constitution at least partly in response to pressure
9 from state legislatures calling for a convention of the states to propose an amendment; and

10 WHEREAS, Most prior constitutional amendments have been added to create a more
11 perfect union by making America more democratic, more inclusive, and more accountable
12 to the people; and

13 WHEREAS, The General Assembly of Maryland favors the proposal and ratification
14 of a “Democracy Amendment” to the U.S. Constitution to affirm every citizen’s individual
15 right to vote, reject the doctrine that artificial entities have inalienable political rights,
16 regulate campaign contributions and electioneering expenditures, and restore free and fair
17 elections in America, and desires the convention to be limited to that purpose; and

18 WHEREAS, The General Assembly of Maryland desires that the delegates to the
19 convention be composed of citizens elected in the states, in numbers equal to the number
20 of presidential electors in the states, by the people voting at large in the states; and

21 WHEREAS, The General Assembly of Maryland desires that the delegates from a
22 state be composed of an equal number of men and women, except for states that have an
23 odd number of presidential electors in which case the delegates of one gender may
24 outnumber the delegates of the other gender by one; and

25 WHEREAS, The General Assembly of Maryland desires that all individuals elected
26 to federal offices shall be prohibited from serving as delegates to the convention; and

27 WHEREAS, The State of Maryland intends to retain the ability to restrict or expand
28 the power of its delegates within the limits expressed above; now, therefore, be it

29 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as provided
30 in Article V of the U.S. Constitution, the General Assembly of Maryland respectfully applies
31 to the U.S. Congress for an amendments convention to be called, as soon as two–thirds of
32 the several states have applied for a convention, for the purpose of proposing an
33 amendment to the U.S. Constitution to affirm every citizen’s freedom to vote and restore
34 free and fair elections in America; and be it further

35 RESOLVED, That delegates to the convention from Maryland may not propose
36 amendments that do not have the primary goals of addressing the goals listed in this Joint
37 Resolution; and be it further

1 RESOLVED, That this application constitutes a continuing application in
2 accordance with Article V of the U.S. Constitution until at least two-thirds of the
3 legislatures of the several states have made application for an equivalently limited
4 amendments convention; and be it further

5 RESOLVED, That certified copies of this Joint Resolution be sent by the Secretary
6 of State to:

7 (1) the Honorable Joseph R. Biden, Jr., Vice President of the United States,
8 President of the United States Senate, Suite S-212, United States Capitol Building,
9 Washington, D.C. 20510; the Honorable Orrin Hatch, President Pro Tempore of the United
10 States Senate, 104 Hart Office Building, Washington, D.C. 20510; and the Honorable John
11 Boehner, Speaker of the United States House of Representatives, 1011 Longworth House
12 Office Building, Washington, D.C. 20515; and

13 (2) the Maryland Congressional Delegation: Senators Barbara A. Mikulski
14 and Benjamin L. Cardin, Senate Office Building, Washington, D.C. 20510; and
15 Representatives Andrew P. Harris, C. A. Dutch Ruppersberger III, John P. Sarbanes,
16 Donna Edwards, Steny Hamilton Hoyer, John Delaney, Elijah E. Cummings, and
17 Christopher Van Hollen, Jr., House Office Building, Washington, D.C. 20515; and

18 (3) the Honorable David S. Ferriero, Archivist of the United States,
19 National Archives and Records Administration, 709 Pennsylvania Avenue N.W.,
20 Washington, D.C. 20408; and

21 (4) the Honorable Julie E. Adams, Secretary of the United States Senate,
22 United States Capitol Building, Suite S-312, Washington, D.C. 20510; the Honorable
23 Elizabeth MacDonough, Parliamentarian of the United States Senate, United States
24 Capitol Building, Suite S-133, Washington, D.C. 20510; the Honorable Karen L. Haas,
25 Clerk of the United States House of Representatives, Suite H-154, United States Capitol
26 Building, Washington, D.C. 20515; and the Honorable Thomas J. Wickham, Jr.,
27 Parliamentarian of the United States House of Representatives, Room H-209, United
28 States Capitol Building, Washington, D.C. 20515, requesting that they publish this Joint
29 Resolution in the Congressional Record and list this application in the official tally of state
30 legislative applications for a convention of the states under Article V of the U.S.
31 Constitution; and be it further

32 RESOLVED, That the Secretary of State is directed to send copies of this Joint
33 Resolution to the presiding officers of both Houses of the legislature of each of the several
34 states, with the request that it be circulated among leaders in the legislative branch of the
35 state governments; and with the further request that each of the states join in requesting
36 the U.S. Congress to call a constitutional convention for the purpose of initiating a proposal
37 to amend the U.S. Constitution as described in this Joint Resolution.